

CITY OF LYNN

**Regular City Council Meeting – April 5, 2016
Council President Daniel F. Cahill, Presiding**

**Eleven Councillors Present
Moment of Silence
Pledge of Allegiance**

**Motion made by Councillor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of March 22, 2016.
Motion carried.**

The City Council and Her Honor the Mayor presented citations to the St. Mary's Basketball Team in recognition of winning the "2016 Division 4 State Championship".

COMMUNICATIONS:**Communication from Her Honor the Mayor:**

Dear Councilors:

As of March 28, 2016, I designate Jason Dumas, 12 Kernwood Road, Lynn, to perform the duties of Tree Warden for the City of Lynn as outlined in the Lynn City Charter and Massachusetts General Laws. I certify that said person is competent to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Thank you for your attention to this matter.

Very truly yours, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the designation of Jason Dumas, 12 Kernwood Road, Lynn to perform the duties of Tree Warden for the City of Lynn as outlined in the Lynn City Charter and Massachusetts General Laws.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Kings Auto Body and Repair, Noe Arnulfo Reyes, for permission to add Auto Body to existing Auto Repair and Flammables at 37 Bennett Street.

Motion made by Councilor Capano and seconded by Councilor Trahan to set down for Public Hearing.

Motion carried.

-Petition of Leahy Landscaping, Inc., Matthew Leahy, for permission for a contractor's yard at 732 R Lynnway.

Motion made by Councilor Capano and seconded by Councilor Colucci to set down for Public Hearing.

Motion carried.

-Petition of Western Avenue Auto Body, Raffi Keikian, for permission for a sign permit at 882 Western Avenue.

Motion made by Councilor Capano and seconded by Councilor Colucci to set down for Public Hearing.

Motion carried.

-Petition of National Grid, Rafael Panos, for permission to install approximately 1-3" Conduit in sidewalk, 6' +/- in a northerly direction from Pole 27 to the property line of a new multi-unit building at 87-89 River Street.

Motion made by Councilor Capano and seconded by Councilor Walsh to TABLE.

Motion carried.

Petition of Duy Huynh, for permission to rezone mixed use (business/residential) to residential only at 1 Broad Street.

Motion made by Councilor Colucci and seconded by Councilor Capano to set down for Public Hearing.

Motion carried.

COMMITTEE REPORTS:

Report of the April 5, 2016 Committee on Education and Environmental Affairs recommending the following to be accepted:

Resolution Against Lifting the Cap on Commonwealth Charter Schools

WHEREAS, free public schools available to all students regardless of income, ability, need or English language proficiency are foundational to our democracy; and

WHEREAS, all of our students deserve high-quality public schools that teach the whole child, providing enrichment and addressing social and emotional needs in addition to core academic subjects; and

WHEREAS, local accountability for our public schools is necessary to ensure that schools are responsive to the needs of their communities; and

WHEREAS, state officials estimate that over \$17 million dollars are being diverted to Commonwealth charter schools and public school districts across the state are losing more than \$408 million this year alone – a loss of funds that is undermining the ability of

districts to provide all students with the educational services to which they are entitled; and

WHEREAS, Commonwealth charter schools are often approved over the objections of a majority of community residents and their elected officials and are not accountable to local elected officials once they are approved; and

WHEREAS, Commonwealth charter schools often fail to serve the same proportion of special needs students, low-income students and English language learners as the districts from which they receive students and often use high suspension rates to drive out students they don't want to serve; and

WHEREAS, the Commonwealth charter school system is creating separate and unequal opportunities for success; and

WHEREAS, lifting the cap on charter schools would greatly worsen the problems listed above and lead to a costly and divisive two-track school system;

THEREFORE, be it resolved that the Lynn City Council opposes lifting the cap on Commonwealth charter schools.

Motion made by Councilor Lozzi and seconded by Councilor LaPierre to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the April 5, 2016 Committee on Veterans recommending the following to be accepted:

RESOLUTION

WHEREAS: Our Nation's Veteran's put their lives on the line to serve and protect the United States of America; and

WHEREAS: There has been a veteran's preference for civil service positions since World War I; and

WHEREAS: Lynn is home to hundreds of veterans who have served in Afghanistan and Iraq typically serve multiple deployments to protect our Nation; and

WHEREAS: Veterans are especially suited for careers as police officers and firemen because as members of the military they are placed in tense, hazardous situations; and

WHEREAS: The United States Military is far more racially diverse than most other institutions calling upon individuals from all social, economic and racial backgrounds; and

WHEREAS: The United States has an all-volunteer military where only approximately 1% of its citizens have served since 9/11.

WHEREAS: Veterans often make the ultimate sacrifice for their Country; and now therefore be it resolved:

RESOLVED: That the City of Lynn go on record to Governor Charles Baker and the Massachusetts Legislature to make no amendments to the Veteran's

Preference for Civil Service Employees in the Commonwealth of Massachusetts

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this Resolution to Governor Charles Baker, Senate President Stanley Rosenberg and House Speaker Robert DeLeo.

Motion made by Councilor Capano and seconded by Councilor Colucci to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the April 5, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Transfer the sum of Seven Thousand Eight Hundred Sixty Eight Dollars and Zero Cents (\$7,868.00) from Treasurer Expense to Treasurer Payroll.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Seven Thousand Eight Hundred Sixty Eight Dollars and Zero Cents (\$7,868.00) from Treasurer Expense to Treasurer Payroll.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Certify as an "Available Fund" the amount of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 Sustained Traffic Enforcement Program (STEP) Grant. Grant period 3/21/16-9/30/16.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 Sustained Traffic Enforcement Program (STEP) Grant. Grant period 3/21/16-9/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Certify as an "Available Fund" the amount of Seventy Thousand Dollars and Zero Cents (\$70,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) increasing the funding for the Massachusetts Opioid Abuse Prevention Collaborative Grant. Grant Period 7/1/15 – 6/30/20

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Seventy Thousand Dollars and Zero Cents (\$70,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) increasing the funding for the Massachusetts Opioid Abuse Prevention Collaborative Grant. Grant Period 7/1/15 – 6/30/20

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Certify as an "Available Fund" the amount of One Million Three Hundred Thirty Two Thousand One Hundred Ninety Four Dollars and Zero Cents (\$1,332,194.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) amending the FY16 Special Education 240 Grant. Grant period 1/15/16 – 9/30/16.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of One Million Three Hundred Thirty Two Thousand One Hundred Ninety Four Dollars and Zero Cents (\$1,332,194.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) amending the FY16 Special Education 240 Grant. Grant period 1/15/16 – 9/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated for the Special State Primary on Tuesday, April 12, 2016.

The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. and all citizens will, in the several precincts in which they are entitled to vote, between said hours, give in their votes Representative in General Court for the Tenth Essex District.

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the City of Lynn who are qualified to vote in the Special State Primary, 2016, to vote at:

- 1-3 Sisson School – 56 Conomo Avenue
- 1-4 Sisson School – 56 Conomo Avenue
- 2-1 St. Pius Lower Church Hall – Maple Street
- 2-2 St. Pius Lower Church Hall – Maple Street
- 2-3 St. Pius Lower Church Hall – Maple Street
- 2-4 St. Pius Lower Church Hall – Maple Street
- 3-1 English High School – Goodridge Street
- 3-2 English High School – Goodridge Street
- 3-3 English High School – Goodridge Street
- 4-1 Lynn Museum – 590 Washington Street
- 4-2 Lynn Museum – 590 Washington Street
- 5-2 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-3 Lynn Vocational Technical Institute Annex – Commercial Street

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to An Order that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated for the Special State Primary on Tuesday, April 12, 2016.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

REPORT ACCEPTED.

Report of the April 5, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATOR (NEW)

Ruiz-Santiago, Carlos Ruben, 192 Washington St. #104- **Granted**

LIVERY OPERATOR (NEW)

Adeniyi, Niyi, 242 Park Ave. Unit 5, Revere, MA- **Granted w/stipulation that he does not park his car on the street.**

TAXI OPERATOR - 60 DAY REVIEW

Caban, Antonio, 22 Ashton St. #2- **Granted**

Laurino, Matthew, 19 Hancock Street- **Granted**

Pegoraro, Joseph, 210 Lincoln St., Revere, MA- **Granted**

LIVERY SERVICE LICENSE

ADGBEG Limousine Service, 674 Western Ave. – **Granted w/stipulation that his car is not parked on the street.**

Adeniyi, Niyi, 242 Park Ave. Unit 5, Revere, MA – **Granted w/stipulation that his car is not parked on the street.**

SECOND HAND ARTICLE-NEW

229 Lewis St, Easyprice Home Appliances – **Granted with stipulations that nothing be placed on sidewalk, and that their truck not to be parked after store hours.**

8 East Highland St., The Wolfs Den (Home Occup) - *Tabled from 3/22 no show- Granted*

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

106 Chestnut St. – Kevin Auto Sales & Repair (*overdue taxes*)- **Granted for six months, come back in six months for status and review.**

1071 Western Ave. – Bonia Motors (*overdue taxes*)- **Granted for six months, come back in six months for status and review.**

CLASS III AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL

1069R Western Ave. – Cap's Auto Wrecking Corp. (*overdue taxes*) – **Granted for 90 Days, come back in 90 days for status and review.**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

17 Alley St. – Italmondo Auto Body - **Granted**

47 Bennett St. – VEO Autobody Solutions & Repair, LLC- **Granted**

100 Buffum St. – USPS – VMF- **Granted**

165 Commercial St. – Igor's Auto Body- **Granted**

92 Harbor St. – Urban Auto Body- **Granted**

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

18A Alley St. – E and M Auto Repair- **Granted**

36-38 Alley St. – McGinn Bus Company, Inc. - **Granted**

182 Alley St. – Tom's Taxi- **Granted**

47R Bennett St. – B Auto Repair- **Granted**

122 Boston St. – S and H Auto Repair- **Granted**

606 Boston St. – Solutions Auto Repair- **Granted**

100A Central Ave. – JB Automotive Center, Inc. - **Granted**

2 Ellis St. – Enrique Auto- **Granted**

287 Essex St. – Essex Auto Repair- **Granted**

407 Essex St. – Reynold's Auto Repair- **Granted**

555 Lynnway – Midas Auto Service- **Granted**

637 Lynnway – Sullivan Tire- **Granted**

77 Marion St. – A & R Auto Repair- **Granted**

205 Market St. – Goodyear Tire Co. - **Granted**

41 Stewart St. – NRT Bus, Inc. - **Granted**

FLAMMABLE LICENSE – RENEWAL

45 Boston St. – North Shore Metals dba Automotive Parts- **Granted**

172 Boston St. – Arctic Oil Company- **Granted**

180 Boston St. – Global- **Granted**
 229 Broadway – Fardin Inc. - **Granted**
 573 Chestnut St. – Richdale Convenience Store- **Granted**
 31 Collins Street Terrace – Delulis Brothers Construction, Co. Inc. - **Granted**
 653 Eastern Ave. – Global- **Granted**
 84-86 Lynnway – Lynn Yacht Club (LYC) - **Granted**
 700 Lynnway – Sonny's Car Wash- **Granted**
 95 Munroe St. – Beden Hardware & Com. Supply- **Granted**
 510 Washington St. – Michael Russo Jr. Plumbing & Heating Co. Inc. - **Granted**
 2 Western Ave. – Dom's Oil Co. - **Granted**
 1000 Western Ave. – General Electric Aviation- **Granted**

OTHER BUSINESS:
REPORT ACCEPTED.

Report of the April 5, 2016 Committee on Public Property and Parks
recommending the following to be accepted:

Discussion re: Set Down a Public Hearing relative to a Proposed Conservation Restriction for the Lynn Woods Reservation.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to setting down a Public Hearing relative to a Proposed Conservation Restriction for the Lynn Woods Reservation.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Ordered that the Mayor is authorized on behalf of the City of Lynn to accept any charitable donation(s) made by the Gerondelis Foundation, Inc., to be dedicated solely to the creation of a Dumpster Day Program for the City of Lynn residents and the Mayor is authorized to create, develop and execute such a Dumpster Day Program.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the Mayor is authorized on behalf of the City of Lynn to accept any charitable donation(s) made by the Gerondelis Foundation, Inc., to be dedicated solely to the creation of a Dumpster Day Program for the City of Lynn residents and the Mayor is authorized to create, develop and execute such a Dumpster Day Program.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Ordered that the City of Lynn be authorized to hang overhead banner(s) over designated roadways and to authorize billboard(s) throughout the City of Lynn to promote and support the Gerondelis Foundation, Inc., Dumpster Day Program.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the City of Lynn be authorized to hang overhead banner(s) over designated roadways and to authorize billboard(s) throughout the City of Lynn to promote and support the Gerondelis Foundation, Inc., Dumpster Day Program.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Cahill absent)

REPORT ACCEPTED.

Motion made by Councillor Colucci and seconded by Councillor Barton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK